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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,280	12/29/2000	John R. Stefanik	00339	8924

26308 7590 07/16/2003

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EXAMINER

YANG, CLARA I

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/751,280

Applicant(s)

STEFANIK ET AL.

Examiner

Clara Yang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 05.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 - 9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,223,348 (Hayes et al.).

Referring to Claims 1 and 7, Hayes teaches a universal remote control with a reader slot for receiving a smart card (see Abstract). As shown in Fig/ 5B, which is the schematic diagram of Fig. 5A with the addition of an infrared (IR) receiver, Hayes's remote control 11 comprises: (a) microprocessor 26; (b) an IR driver or transmitter; (c) IR receiver 37; and (d) smart card connector 12 that enables microprocessor 26 to read from and write to smart card 15 (see Col. 6, lines 27 - 31). Per Hayes, remote control 11 is able to engage in bi-directional communication with other electronic devices such as a cable box, a direct broadcast satellite (DBS) receiver, an Internet access device, etc. (see Col. 9, lines 31 - 40), thus implying that each electronic device comprises: (e) a transmitter, (f) a receiver, and (g) an electronic program guide (see Col. 9, lines 7 - 10 and 23 - 30).

Regarding Claim 2, Hayes imparts smart card 15 has user-specific information and preferences stored in its memory (see Col. 9, lines 7 - 10 and 23 - 30).

Regarding Claim 3, Hayes states that smart card 15 is characterized as a device with a non-volatile memory and a microprocessor (see Col. 1, lines 5 - 17).

Regarding Claim 4, though contactless or hybrid smart cards can be used, Hayes specifies that the preferred embodiment utilizes a contact type smart card (see Col. 1, lines 18 - 30).

Regarding Claims 5 and 9, per Hayes, smart card 15 must be inserted into a reader slot in remote control 11 (see Col. 2, lines 18 - 23 and Col. 5, lines 35 - 46 and 54 - 59).

Regarding Claim 6, Hayes's remote control 11 has an EEPROM 27 (see Fig. 5A) that stores data read from smart card 15 (see Col. 7, lines 4 - 9 and 33 - 48).

Regarding Claim 8, Hayes's remote control 11 has an IR transmitter and receiver (see Fig. 5B and Col. 9, lines 31 - 35).

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- ♦ U.S. Patent No. 5,353,016 (Kurita et al.): Kurita teaches a remote commander that transmits commands according to an inserted integrated circuit (IC) card.
- ♦ U.S. Patent No. 5,721,583 (Harada et al.): Harada teaches an interactive television system comprising an electronic device and a remote control device that is able to receive an IC card, thus enabling only a registered user to access certain programs or services.
- ♦ U.S. Patent No. 5,835,864 (Diehl et al.): Diehl teaches using a smart card to automatically customize information a remote control and various electronic devices.
- ♦ U.S. Patent No. 6,069,672 (Classen): Classen discloses a remote control with a processor, an IR transmitter, an IR receiver, and a IC card reader-writer.
- ♦ EP 1 039772 A1 (Noguchi et al.): Noguchi teaches inserting an IC card into a remote control in order to change the function of the remote control.

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- ♦ U.S. Patent No. 6,236,395 (Sezan et al.): Sezan teaches plugging a smart card into a remote control that in turn will autonomously command the television receiving system to present the user information about current and future programs that fits the user's preferences.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clara Yang whose telephone number is (703) 305-4086. The examiner can normally be reached on 8:30 AM - 7:00 PM, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

CY  
July 10, 2003



BRIAN ZIMMERMAN  
PRIMARY EXAMINER